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Presented on behalf of Plaintiff and  
Class Representative Chrystal Finley

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

**PEOPLE OF CITY OF LOS  
ANGELES WHO ARE UN-HOUSED,  
AS A CLASS REPRESENTED BY C.  
FINLEY, *etc.*,**

Plaintiff,

v.

**KAREN BASS, EUNISSES  
HERNANDEZ, PAUL KREKORIAN,  
BOB BLUMENFIELD, NITHYA  
RAMAN, KATY YAROSLAVSKY,  
IMELDA PADILLA, MONICA  
RODRIGUEZ, MARQUEECE  
HARRIS-DAWSON, CURREN D.  
PRICE, JR., HEATHER HUTT,  
TRACI PARK, JOHN LEE, HUGO  
SOTO-MARTINEZ, KEVIN de LEON,  
TIM McOSKER, DOMINIC KIM,  
MONIQUE CONTRERAS, and 25  
UNKNOWN NAMED  
DEFENDANTSS,**

Defendants.

**COMPLAINT**

(To Prevent City of Los Angeles-  
Practiced, Negative Eugenics<sup>1</sup> and  
Fascistic- and Nazi-Like Conduct,  
Against Poor People, Civil Rights  
Violations, RICO Violations, and  
Fraud, and Damages)

**CLASS ACTION ALLEGATIONS**

**JURY DEMAND**

<sup>1</sup> Eugenics is the mildest term that could be used to describe defendants' wrongful conduct: both quasi-ethnic cleansing and quasi-genocide accurately could be used.

1 Plaintiff makes the following allegations, on behalf of plaintiff and of  
2 putative class members, in support of the this Complaint, for damages and for  
3 declaratory and injunctive relief, and to prevent defendants' continuing, Fascistic-  
4 and Nazi-Like wrongful conduct:

5 **JURISDICTION, VENUE and PARTIES**

6 1. Plaintiff, **C. FINLEY**, asserts federal claims, under 42 U.S.C. § 1983  
7 (civil rights) and 18 U.S.C. § 1961-64 (RICO), against each and all defendants,  
8 subject matter jurisdiction lies pursuant to 28 U.S.C. § 1331 of the federal claims,  
9 and defendants' conduct affects and interferes with both interstate and intrastate  
10 commerce.

11 2. The matters that are the bases for this action occurred in Los Angeles  
12 County, California, and in the City of Los Angeles, and therefore venue lies in the  
13 United States District Court for the Central District of California, and in its  
14 Western Division, pursuant to 28 U.S.C. § 1391.

15 3. Defendants are the Los Angeles mayor and city council members, the  
16 interim chief of police, a named police officer, and unknown named City officials  
17 and police officers.

18 4. Plaintiff is a member of a class of un-housed persons<sup>2</sup>, who live in and  
19 stay on the streets, sidewalks, and other public properties in the City of Los  
20 Angeles who number about 46,000 within the City of Los Angeles.

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22  
23 <sup>2</sup> Federal law defines the terms "homeless" or "homeless individual" or "homeless  
24 person" to include:

25 (1) an individual or family who lacks a fixed, regular, and adequate  
26 nighttime residence;

27 (2) an individual or family with a primary nighttime residence that is a  
28 public or private place not designed for or ordinarily used as a regular  
sleeping accommodation for human beings, including a car, park,  
abandoned building, bus or train station, airport, or camping ground;

1           5. Defendants are City of Los Angeles officials and LAPD cops, and each  
2 and all are sued in their individual capacities, and, for the claims made under  
3 *Monell v. Dep't of Soc. Svcs. of the City of New York*, 436 U.S. 657 (1978), all  
4 defendants are sued in their official capacities only.  
5  
6

7           **(3)** an individual or family living in a supervised publicly or privately  
8 operated shelter designated to provide temporary living arrangements  
9 (including hotels and motels paid for by Federal, State, or local government  
10 programs for low-income individuals or by charitable organizations,  
11 congregate shelters, and transitional housing);  
12 **(4)** an individual who resided in a shelter or place not meant for human  
13 habitation and who is exiting an institution where he or she temporarily  
14 resided;  
15 **(5)** an individual or family who--  
16 **(A)** will imminently lose their housing, including housing they own, rent, or  
17 live in without paying rent, are sharing with others, and rooms in hotels or  
18 motels not paid for by Federal, State, or local government programs for low-  
19 income individuals or by charitable organizations, as evidenced by--  
20 **(i)** a court order resulting from an eviction action that notifies the individual  
21 or family that they must leave within 14 days;  
22 **(ii)** the individual or family having a primary nighttime residence that is a  
23 room in a hotel or motel and where they lack the resources necessary to  
24 reside there for more than 14 days; or  
25 **(iii)** credible evidence indicating that the owner or renter of the housing will  
26 not allow the individual or family to stay for more than 14 days, and any  
27 oral statement from an individual or family seeking homeless assistance that  
28 is found to be credible shall be considered credible evidence for purposes of  
this clause;  
**(B)** has no subsequent residence identified; and  
**(C)** lacks the resources or support networks needed to obtain other  
permanent housing . . . .

42 U.S.C. §11302(a). Plaintiffs and class members are within the definition of this  
section, and choose to call themselves "un-housed," because "homeless" has  
become a pejorative term.

1           6. Defendants and each of them play and played some material role in the  
2 acts and/or omissions alleged hereinbelow and in the setting of policies and  
3 enforcement of City of Los Angeles ordinances, and/or in the harassment of  
4 homeless who live on the streets, and in the takings and stealings of their property,  
5 and in the wrongful conduct set forth hereinbelow. No defendant is sued for  
6 engaging in legislative conduct.

7                           **ALLEGATIONS COMMON TO EACH COUNT**

8           7. Each and every allegation set forth in each and every averment herein  
9 is incorporated by this reference in each and every other averment and allegation  
10 of this pleading.

11           8. All acts and/or omissions perpetrated and/or engaged in by each  
12 defendant in their individual capacities were done maliciously, callously,  
13 oppressively, wantonly, recklessly, with deliberate indifference to the rights  
14 allegedly violated, despicably, with evil motive and/or intent, in disregard of the  
15 rights of plaintiffs and class members, and in clear violation of the federal  
16 Constitution and of the California Constitution, and of controlling federal law,  
17 both statutory and common law, as set forth by both the United States Supreme  
18 Court and the United States Court of Appeals for the Ninth Circuit.

19           9.-11. Reserved.

20           12. The Eighth and Fourteenth Amendments to the United States  
21 Constitution prohibit the threatening of and/or imposition of penalties for merely  
22 being on, including sitting, sleeping, lying, or parking vehicles on public property,  
23 for homeless individuals who cannot obtain permanent shelter. The Fourth  
24 Amendment prohibits the seizures of unhoused persons' property.

25           13. Sitting, lying, and sleeping are defined as acts or conditions, that are  
26 universal and unavoidable consequences of "being human," as is parking a vehicle  
27  
28

1 that is one's only means of "housing" on a public street. Homeless persons'  
2 ownership of their property also is a consequence of being human.

3 14. Governments and their officials and employees may not criminalize the  
4 state of being "homeless in public places," and government may not "criminalize  
5 conduct that is an unavoidable consequence of being homeless -- namely sitting,  
6 lying, or sleeping on the streets," or owning property, including shelter, while  
7 existing on the streets.

8 15. So long as there is a greater number of homeless individuals in the City  
9 of Los Angeles than the number of available beds in its shelters, which has for  
10 many years been, and presently is, the case, the City of Los Angeles and  
11 defendants mayor, council members, and police cannot threaten, extort, penalize,  
12 or prohibit, or threaten or attempt to do so, unhoused individuals, for involuntarily  
13 being in, sitting, lying, and sleeping on public property, or confiscating their  
14 property.

15 16. The City official defendants have been told this over, and over, and  
16 over, for at least 15 years, since 2006, in *Jones v. City of Los Angeles*, 444 F.3d  
17 1118 (9th Cir. 2006), and again in 2014, in *Desertrain v. City of Los Angeles*, 754  
18 F.3d 1147 (9th Cir. 2014), and yet again in 2019, in *Martin v. City of Boise*, 920  
19 F.3d 584, 604 (9th Cir. 2019), all of whose contents are incorporated herein, and  
20 in which in *Martin* the City of Los Angeles petitioned the United States Supreme  
21 Court for a writ of certiorari, which was denied, and which Feuer contended was  
22 done so that the Court could "clarify"<sup>3</sup> the Ninth Circuit's ruling, but none of these  
23

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24 <sup>3</sup> There is a press posting on Feuer's official City website, in which it is stated that  
25 "LA is asking the Supreme Court to *clarify* the extent of the City's authority with  
26 respect to the conduct of homeless residents who dwell on its streets." (Emphasis  
27 added.) Feuer stated that the *Martin* case's "rationale sweeps too broadly, and the  
28 opinion is internally inconsistent and unclear[,] [and] leaves jurisdictions like Los  
Angeles without the certainty necessary to balance intensely competing interests  
without risking costly and time-consuming litigation." The Court denied the

1 precedential rulings, all of which were and are binding on the City and all of its  
2 officials and employees, has had any effect on the officials' wrongful behavior.  
3 They are incessant and incorrigible when it comes to harassing the un-housed.

4 17. As long as there is no option of sleeping indoors, the City government  
5 and defendants may not criminalize indigent, homeless people for being outdoors,  
6 on City streets, sleeping outdoors, on public property, based on the false premise  
7 they these human beings had any choice in the matter.

8 18. Resisting the need to be somewhere, to eat, to sleep, or to engage in  
9 other life-sustaining activities is impossible. Avoiding public places when  
10 engaging in these otherwise innocent conducts is impossible: as long as the  
11 unhoused plaintiffs and class members do not have a place where they can  
12 lawfully be, the challenged ordinances, as applied to them, effectively punish them  
13 for something for which they may not be convicted under the Eighth Amendment,  
14 and hence, the Fourteenth Amendment, to wit, being, sitting, lying down, sleeping,  
15 eating, parking their vehicles, and other innocent conduct, so that the challenged  
16 ordinances, both on their faces and as applied against the homeless, are  
17 unconstitutional.

18 19. The use of ordinances, such as Los Angeles Municipal Code  
19 § 41.18 criminalizes the simple acts of being outside on public property, when one  
20 has nowhere else she or he can be, and penalizes the condition of being a human  
21 being, and, in that sense, are prohibited status crimes.

22 20. A municipality and its officials may not lawfully or constitutionally  
23 criminalize such behavior, consistently with the Eighth Amendment, and hence the  
24

25  
26 certiorari petition. Yet, *Martin* is not unclear, did not need "clarification," and  
27 now here we are with costly and time-consuming litigation, only because  
28 defendants, led by Feuer, simply and flatly refuse to comply with *Martin*'s dictates.  
Feuer and defendants lost, but like former President Trump, they continue to  
refuse to acknowledge that loss.

1 Fourteenth Amendment, when no sleeping spaces are practically available in a  
2 sufficient number of places and/or shelters.

3 21. So long as there is a greater number of homeless individuals in the City  
4 of Los Angeles than the number of available beds in shelters, for the unhoused,  
5 City of Los Angeles and defendants may not legally enforce ordinances against  
6 unhoused individuals, for being, sitting, lying, and/or sleeping in any public place.

7 22. Ordinances violate the Eighth Amendment, and hence the Fourteenth  
8 Amendment, insofar as they impose criminal sanctions against unhoused  
9 individuals, for being and/or lying down and/or sleeping outdoors, on public  
10 property, when no alternative shelter is available to them. *Martin* clearly and  
11 unequivocally states this, and it is binding on all defendants, who refuse to obey it,  
12 yet it is the law.

13 23. Defendants' so-called "Zone" ordinances, see below, which provide for  
14 virtually perpetual street and sidewalk cleanings clearly are pretextual, in that they  
15 create the false appearance that their function is cleaning, when in fact and in  
16 reality they serve as a fictitious means for defendants to rid the City's streets and  
17 sidewalks of the unhoused, and to confiscate their property, as a means to just  
18 make them go away or disappear: the higher-up defendants use the Sanitation  
19 Department workers to clear away the unhoused's belongings, similarly to the way  
20 the Nazis used Jewish people as straw bosses<sup>4</sup> in the Nazi concentration and  
21 extermination camps, and the LAPD defendants, enforce this by "standing guard,"  
22 like Heinrich Himmler's<sup>5</sup> *Geheime Staatspolizei* (the Gestapo) while the Sanitation  
23

24  
25 <sup>4</sup> A worker who has some responsibility, but little authority.

26  
27 <sup>5</sup> The head of the *Schutzstaffel* (German for "Protection Squads," or "Protection  
28 Echelon," the "SS," self-described political soldiers) and the Third Reich's chief of  
police, from 1936 until his dismissal on May 6, 1945, just 17 days before his



1 workers confiscate and steal the unhoused's property, taking it far away for  
2 "storage," to a place that the unhoused cannot reasonably reach, and then the  
3 property is thrown out. This is the principal means by which defendants attempt to  
4 rid the City of the unhoused, making it impossible for them to exist at all, with no  
5 tents for shelter, no sleeping gear, and often no personal belongings at all. It is  
6 inhumane and it is horrible, and it is insane.

7 25. All of these actions by defendants were and done intentionally, in  
8 concert, they are coordinated, conspiratorially, and were both attempts to do and  
9 the doing of things that constitute fraud, extortion under both state and federal  
10 law, and which obstruct justice, all as set forth more fully herein.

11 26. Defendants' actions are a form of government-sanctioned eugenics<sup>6</sup>, to  
12 alter, by government edict -- here, "Zone" ordinances, a specific population that is  
13 disfavored by society and by government.

14 27. In general, eugenics is the practice of arranging a human population to  
15 increase or to decrease the occurrence of characteristics regarded as desirable or  
16 undesirable. Here, poverty -- the state of being poor -- is regarded by defendants  
17 as being an undesirable characteristic, and defendants' wrongful conduct as  
18 alleged herein is designed to decrease the visible manifestations and occurrences  
19

20 suicide on May 23, 1945, as a British prisoner, at an interrogation camp near  
21 Lüneberg, Germany.

22  
23 <sup>6</sup> "Eugenics" (/ju:ˈdʒenɪks/ *yoo-JEN-iks*; from Greek εὖ- "good" and γενής "come  
24 into being, growing") is a set of beliefs and practices that aim to improve  
25 the genetic quality of a human population, historically, and here, by excluding  
26 people and and/or groups of people judged to be inferior, or promoting those  
27 judged to be superior. In recent years, the term has seen a revival in bioethical  
28 discussions, on the usage of new technologies, such as CRISPR (a gene therapy  
technique) and genetic screening, with a heated debate on whether these  
technologies should be called eugenics or not.



1 of this characteristic in public places. It is akin to the Nazis' and the *Geheime*  
2 *Staatspolizei*'s treatment of the Romani population, and the same treatment of the  
3 Romani (colloquially known as "Roma") by many countries in modern-day  
4 Europe.  
5

6 28. The American eugenics movement was formed during the late  
7 Nineteenth Century and continued as late as the 1940s, and to a much lesser extent  
8 into the late 20th Century.<sup>7</sup> (Negative eugenics did not originate with the Nazis,  
9 as commonly is believed to the case: rather, the Nazis got it from the Americans.)  
10 The American eugenics movement embraced negative eugenics, as a purported  
11 method of improving the human race, and was increasingly discredited as  
12 unscientific and racially-biased during the 20th Century, especially after the  
13 adoption of its doctrines by the Nazis (in order to justify their treatment of Jews,  
14 Romani, disabled people, and other minority groups). Incredibly, eugenics was  
15 *not* invented by the Nazis, but rather was first employed by "scientists" in New  
16 York, principally Charles Benedict Davenport, a Brooklyn-born, Harvard biology  
17 professor, and anti-miscegenistic, who believed that race determined behavior.  
18 That is, the Nazis got eugenics from the Americans. It is important to recognize  
19

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20 <sup>7</sup> Many Americans, especially those born after the WWII, Baby Boomers, and  
21 post-Baby Boomer generations, incorrectly believe that Stanford Univ. Professor  
22 William Bradford Shockley, Jr. was the father of eugenics. He was not. In the  
23 1970s, Shockley contended that a higher rate of reproduction among the less  
24 intelligent was having a dysgenic effect, and that a drop in average intelligence  
25 would ultimately lead to a decline in civilization. He also claimed that blacks were  
26 genetically inferior to whites on an intellectual level -- a view held by the National  
27 Football League until June 2021, as a means for denying brain-damaged, Black  
28 former players equal compensation to White players in the brain damage class  
action settlement. (Shockley was a candidate for the Republican nomination in  
the 1982 United States Senate election in California. He ran on a single-issue  
platform of highlighting the "dysgenic threat" of some racial groups, including  
African-Americans, to American society.)

1 that, in America, eugenics was and is a movement used to reduce an undesired  
2 population -- as defendants here use their City of Los Angeles, subject ordinances  
3 to push racist, classist, and ableist ideals, rather than a movement that explicitly  
4 worked toward the improvement of the human race, against unhoused persons,  
5 who are "an undesired population." *See also*, involuntary sterilization,  
6 lobotomization, and William Sheldon's somatotyping, all also conceived and  
7 pioneered in America. The English-language term "eugenics" translates to "well-  
8 born," from the Greek word, "*eugenes*." Eugenics reinforces the prejudices of the  
9 time by deeming those with desirable genetic traits such as White, of higher  
10 economic status, and healthy, when, on the other hand, those with undesirable  
11 traits are identified as non-White, of lower economic status, or physically or  
12 mentally disabled.  
13

14 29. Defendants are practicing modern-day eugenics against plaintiffs and  
15 class members. *See also LA Alliance for Human Rights v. City of Los Angeles*,  
16 2:20-cv-02291-DOC-(KESx), Doc. 227 (04/20/21).

17 30. Plaintiff and class members un-housed persons who live in the streets of  
18 Los Angeles, on sidewalks and elsewhere, who are subject to at least two  
19 additional, "Zone," unconstitutional ordinances.

20 31. These ordinances are colloquially known as "Zone" ordinances because  
21 they establish zones from which the unhoused are sought to be and are expelled.

22 32. Under the pretenses of "Health Hazard Removal" and "Comprehensive  
23 Street & Sidewalk Cleaning," the ordinances thinly-veiled purpose and effect is to  
24 get un-housed persons off the streets and sidewalks of the City of Los Angeles,  
25 and out of sight.

26 33. They dictate "Zone Boundaries," displayed as maps, and then dictate  
27 that in those zones there will be "Health Hazard Removal" on "Monday, Tuesday,  
28 Wednesday, & Friday," during which times City employees from the Sanitation

1 Bureau, backed-up with muscle by LAPD officers, like defendant Contreras,  
2 remove un-housed persons' belongings, including tents, sleeping gear, and other  
3 personal items, and that, on "Every Thursday, Between 7 am and 3pm" "During  
4 comprehensive cleaning no one will be allowed to remain on a sidewalk." Thus,  
5 under this type of ordinance, from Mondays through Fridays, City officials,  
6 sanitation workers, and cops manage to keep all un-housed persons of the  
7 sidewalks and streets, and those who remain have all of their belongings stolen by  
8 the City and its employees.  
9

10 34. Truly amazingly, as to any of these Zones that are not in Downtown Los  
11 Angeles, an un-housed person would have to travel to a City-operated facility with  
12 the Orwellian name of "The Bin," located at 507 Towne Avenue, in zip code  
13 90013, so that the un-housed in Venice Beach, of whom plaintiff Finley is one,  
14 would need to travel somehow to "The Bin" to retrieve literally all of her  
15 belongings, that were stolen from her in Venice Beach on May 7, 2024, at noon,  
16 by defendant Contreras and other LAPD officers. Plaintiff Finley never will be  
17 able to get back any her belongings and she has been forced to exist and to sleep at  
18 night unsheltered.

19 35. Defendants Contreras and other LAPD officers oversaw and enforced  
20 the theft of Finley's property.

21 36. This same theft of property similarly was visited on plaintiffs Jacobs and  
22 Serin in action 2:22-08010-DOC(KESx), and this shows a custom of such thefts.

23 37. On Oct. 21, 2021, at approximately 7:30 a.m., Mr. Jacobs was sitting in  
24 front of the tent in which he had slept, when a "waste team" confronted him,  
25 backed up by about 10 LAPD officers, including defendant LAPD officers  
26 Contreras, who was in charge of the LAPD contingent, Garcia, and Derek Jacobs,  
27 ordered him to remove his belongings from the sidewalk, which he put in the  
28 street pursuant to their commands, they then put a yellow tape cordon around his

1 belongings, threw his belongings on the sidewalk, and confiscated them, telling  
2 him that he could retrieve them at the "Bin," at 507 Towne Avenue, Los Angeles  
3 90013, over 17 miles away, in downtown Los Angeles. The belongings stolen  
4 from him included his clothing, his wallet, his bank cards, several hundred dollars  
5 in cash, and a container, which were all of his belongings.  
6

7 38. Plaintiff Jacobs has to make a cardboard box shelter in which he had to  
8 live, and to sleep on the evenings of Oct. 21-23, after Sanitation workers stole his  
9 tent, over which theft defendant Contreras and other LAPD thugs presided, and  
10 that shelter, taken on Oct. 24.

11 39. There are Special Enforcement and Cleaning Zone signs near plaintiff's  
12 place of habitation.

13 40. There is an LAPD so-called "Pacific Area Senior Lead Officer Basic Car  
14 Map," on which defendants Contreras, Ramirez, Acosta, and Castaneda are  
15 depicted.

16 41. On many occasions within the past year, Mr. Serin's belongings have  
17 been stolen by Sanitation workers backed-up by LAPD muscle, under the guise of  
18 a clean-up, and he presently is unable to identify the workers or the LAPD  
19 officers, and never has been able to recover his belongings.

20 42. Plaintiff Finley is Black.

21 43. All of the cops who participate, Acosta, Caloza, Contreras, Ramirez,  
22 Castaneda, Unknown Garcia, Aura Garcia, Ramirez, Romero, and Villegas all are  
23 Hispanic/Latino/a.

24 44. It is alleged on information and belief that the Hispanic/Latino/a  
25 defendants acted against the Black plaintiffs as a consequence of  
26 Hispanic/Latino/a negative animus toward Blacks, and the Hispanic/Latino/a  
27 population of the City of Los Angeles outnumbers both the White and Black  
28 populations of the City of Los Angeles.

45. All of the LAPD defendants, who ratified, condoned, approved of, and acquiesced in Contreras' and her subalterns' and her factotums' unconstitutional conduct toward plaintiff are Hispanic/Latino/a, and it is alleged that their treatment of plaintiff was motivated by invidious race hatred. Contreras previously engaged in harassing behavior toward plaintiff Finley.

46. Judge Carter's Nov. 19, 2021 minute order in *People of the City of Los Angeles Who Are Un-Housed v. Garcetti*, 2:21-cv-06003, and all of its contents, Doc. 103, hereby is incorporated herein by this reference.

47.-99. Reserved.

## COUNT 1

**(Fourteenth Amendment, Equal Protection Violations, against all defendants,  
in both their individual and official capacities, 42 U.S.C. § 1983)**

100. The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution prohibits state action that discriminates against a suspect class of persons, and makes a state governmental unit responsible for the equal protection of its citizens, and provides that "nor shall any state . . . deny to any person within its jurisdiction the equal protection of the laws.

100a. The Equal Protection Clause contains the right of the people to be exempt from unfriendly legislation, exemption from legal discriminations that imply an inferiority in civil society, and which lessen the enjoyment of rights which others enjoy.

100b. Defendants' subject ordinances violated plaintiffs' and class members' right to equal protection of the laws because it is legislation that is unfriendly to them, since it is aimed only at them and at no other class of persons, it subjects only them to legal discrimination -- indeed, it cannot be contested that it is only them against whom it discriminated, it implies their inferiority in civil society, and it lessens their enjoyment of rights which other human beings enjoy.

**COUNT 2**

**(Monell Violations, against all defendants, in their official capacities, 42 U.S.C. § 1983)**

101. Defendants' wrongful conduct under of color of law occurred so that each defendant knowingly, grossly negligently, recklessly, and with deliberate indifference to the rights allegedly violated, caused to come into being, maintained, fostered, condoned, approved of, either before the fact or after the fact, ratified, and/or took no action to correct, an official policy, practice, procedure, or custom of permitting the occurrence of the categories of wrongs set forth in the immediately-preceding Count, and/or improperly, inadequately, with deliberate indifference to the constitutional or other federal rights of persons, grossly negligently, with reckless disregard to constitutional or other federal rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or to take corrective action with respect to themselves and/or their personnel with respect to the types of wrongful conduct alleged in this pleading, so that each one of them is legally responsible for all of the injuries and/or damages sustained by plaintiffs' and class members, pursuant to the principles set forth in *Monell v. Dep't of Social Services* and its progeny.

**COUNT 3**

**(Fourteenth Amendment, Due Process Violations, against all defendants, in both their individual and official capacities, 42 U.S.C. § 1983)**

103. The Due Process Clause of the U.S. Constitution provides "nor shall any State deprive any person of life, liberty, or property, without due process of law . . . ."

103a. The defendants' behavior alleged herein is so egregious, so outrageous, that it fairly may be described as shocking to the conscience, and also it is arbitrary and capricious action by the government: it is an exercise of power without any reasonable justification or legitimate governmental purpose: plain

1 and simple, it is government bullying of those who are least able to defend  
2 themselves; it violates the decencies of civilized conduct in a civilized society; it  
3 is brutal and offensive, and it does not comport with basic concepts of fair play  
4 and decency, so that it violates plaintiffs' and class members' substantive due  
5 process rights, because it is the government using its vast power arbitrarily and  
6 oppressively. It deprives plaintiffs and class members of property without due  
7 process of law, both procedurally and substantively.

8 **COUNT 5**

9 **(*Monell* Violations, against all defendants, against all defendants, in their  
10 official capacities 42 U.S.C. § 1983)**

11 104. Defendants' wrongful conduct under of color of law occurred  
12 so that each defendant knowingly, grossly negligently, recklessly, and with  
13 deliberate indifference to the rights allegedly violated, caused to come into being,  
14 maintained, fostered, condoned, approved of, either before the fact or after the  
15 fact, ratified, and/or took no action to correct, an official policy, practice,  
16 procedure, or custom of permitting the occurrence of the categories of wrongs set  
17 forth in the immediately-preceding Count, and/or improperly, inadequately, with  
18 deliberate indifference to the constitutional or other federal rights of persons,  
19 grossly negligently, with reckless disregard to constitutional or other federal  
20 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or  
21 to take corrective action with respect to themselves and/or their personnel with  
22 respect to the types of wrongful conduct alleged in this pleading, so that each one  
23 of them is legally responsible for all of the injuries and/or damages sustained by  
24 plaintiffs' and class members, pursuant to the principles set forth in *Monell v.*  
25 *Dep't of Social Services* and its progeny.

26 //

27 //

28 //



**COUNT 6**

**(Conspiracy, against all defendants, in both their individual and official capacities, 42 U.S.C. § 1983)**

105. All defendants and each of them understood and agreed that they all would act in combination in the manners described hereinabove and then overt acts were undertaken to carry out their schemes, both hereinabove and hereinbelow.

**COUNT 7**

**(Fourteenth Amendment, Privileges and Immunities Abridgement Violations, against all defendants, in both their individual and official capacities, 42 U.S.C. § 1983)**

106. The Privileges and Immunities Clause of the Fourteenth Amendment provides that "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States."

106a. California Welfare & Institutions Code § 17000 provides that

every city . . . shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein . . . .

106b. This state law provides the substance of a privilege and immunity enjoyed under state law to plaintiffs' and class members, and defendants' conduct violates plaintiff's and class members' Fourteenth Amendment privileges and immunities rights (and this as well violates plaintiffs' and class members' rights to both equal protection and to due process).

106c. Plaintiff Finley is a citizen of Texas and plaintiff Jacobs is a citizen of New York.

**COUNT 8**

**(Monell Violations, against all defendants, in their official capacities, 42 U.S.C. § 1983)**

107. Defendants' wrongful conduct under of color of law occurred

1 so that each defendant knowingly, grossly negligently, recklessly, and with  
2 deliberate indifference to the rights allegedly violated, caused to come into being,  
3 maintained, fostered, condoned, approved of, either before the fact or after the  
4 fact, ratified, and/or took no action to correct, an official policy, practice,  
5 procedure, or custom of permitting the occurrence of the categories of wrongs set  
6 forth in the immediately-preceding Count, and/or improperly, inadequately, with  
7 deliberate indifference to the constitutional or other federal rights of persons,  
8 grossly negligently, with reckless disregard to constitutional or other federal  
9 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or  
10 to take corrective action with respect to themselves and/or their personnel with  
11 respect to the types of wrongful conduct alleged in this pleading, so that each one  
12 of them is legally responsible for all of the injuries and/or damages sustained by  
13 plaintiffs and class members, pursuant to the principles set forth in *Monell v. Dep't*  
14 *of Social Services* and its progeny.

15  
16 **COUNT 9**

17 **(Conspiracy, against all defendants, in both their individual and official**  
18 **capacities, 42 U.S.C. § 1983)**

19 108. All defendants and each of them understood and agreed that they all  
20 would act in combination in the manners described hereinabove and then overt  
21 acts were undertaken to carry out their schemes, both hereinabove and  
22 hereinbelow.

23 **COUNT 10**

24 **(Eighth Amendment, Cruel and Unusual Punishments Infliction Violations,**  
25 **against all defendants in both their individual and official capacities, 42**  
26 **U.S.C. § 1983)**

27 109. The Eighth Amendment Cruel and Unusual Punishment Clause  
28 provides that "nor cruel and unusual punishments [may be] inflicted."

109a. The Eighth Amendment's Cruel and Unusual Punishment Clause  
prohibits the imposition, or threat to impose, penalties for sitting, or lying outside,

1 or parking a motor vehicle on a public street, by unhoused persons who cannot  
2 obtain shelter, and whether these activities are defined as acts or conditions, they  
3 are inseparable from status, they are universal and unavoidable consequences of  
4 being human -- they are one and the same thing, and are involuntary conduct that  
5 is inseparable from status, because human beings are biologically compelled to  
6 rest, whether by sitting, lying, or sleeping, and all of these things must occur some  
7 place, here in on sidewalks, on streets, and in vehicles that are banned by the  
8 subject ordinances.

9 109b. The state may City of Los Angeles may not criminalize and/or  
10 punish, threaten to punish, or attempt to punish the state of being unhoused in  
11 public places, nor may it criminalize conduct that is an unavoidable consequence  
12 of being unhoused.

13 109c. As long as there is no option of sleeping indoors, defendants may not  
14 criminalize indigent, unhoused persons for being outdoors, on public property,  
15 like streets, on the false premise that that they had a choice in the matter.

16 109d. Resisting the need to eat, sleep, or engage in other life-sustaining  
17 activities, or parking one's motor vehicle in order to be able to do these things, is  
18 impossible.

19 109e. Avoiding public streets when engaging in this otherwise innocent  
20 behavior also is impossible.

21 109f. Unhoused persons who must sleep in their vehicles may not be  
22 punished, without the punishment being cruel and unusual, because such persons  
23 may not be convicted under the Eighth Amendment for innocent conduct.

24 109g. Prohibiting or interfering with sleeping in a public place as applied to  
25 unhoused persons is unconstitutional, as is the taking away of their property  
26 and/or housing.

109h. Here, defendants' application of their ordinances criminalizes conduct that is not criminal, and thus is unconstitutional.

109i. Ordinances that make the use of public property as a temporary or permanent place of dwelling, lodging, or residence, for storage of personal belongings, for cooking, or using temporary structures -- such as tents, or as a living accommodation, or any of these activities in combination with one another, are unconstitutional.

109j. The subject ordinances are aimed only at unhoused persons who reside in the streets or on sidewalks, and, as such are unconstitutional.

109k. The false flag Zone ordinances that are disguised as ordinances that facilitate street and sidewalk cleanings, in fact are aimed and purposed at something altogether different, to wit, to get rid of un-housed people, and, as such, are unconstitutional.

**COUNT 11**  
**(*Monell* Violations, against all defendants, in their official capacities, 42**  
**U.S.C. § 1983)**

110. Defendants' wrongful conduct under of color of law occurred so that each defendant knowingly, grossly negligently, recklessly, and with deliberate indifference to the rights allegedly violated, caused to come into being, maintained, fostered, condoned, approved of, either before the fact or after the fact, ratified, and/or took no action to correct, an official policy, practice, procedure, or custom of permitting the occurrence of the categories of wrongs set forth in the immediately-preceding Count, and/or improperly, inadequately, with deliberate indifference to the constitutional or other federal rights of persons, grossly negligently, with reckless disregard to constitutional or other federal rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or to take corrective action with respect to themselves and/or their personnel with respect to the types of wrongful conduct alleged in this pleading, so that each one

1 of them is legally responsible for all of the injuries and/or damages sustained by  
2 plaintiffs' and class members, pursuant to the principles set forth in *Monell v.*  
3 *Dep't of Social Services* and its progeny.

4 **COUNT 12**  
5 **(Conspiracy, against all defendants, in their official capacities, 42 U.S.C. §**  
6 **1983)**

7 111. All defendants and each of them understood and agreed that they all  
8 would act in combination in the manners described hereinabove and then overt  
9 acts were undertaken to carry out their schemes, both hereinabove and  
10 hereinbelow.

11 **COUNT 13**  
12 **(Eighth Amendment, Excessive Fines Imposition Violations, against all**  
13 **defendants in both their individual and official capacities, 42 U.S.C. § 1983)**

14 112. The Eighth Amendments' Excessive Fines Clause provides that "nor  
15 shall excessive fines [be] imposed."

16 112a. A fine is "excessive" if it is not proportional to and related to the  
17 gravity of the offense that it is designed to punish.

18 112b. The factors to be considered are the nature and extent of the  
19 underlying offense (none), whether the underlying offense is related to other  
20 illegal activities (none), whether other penalties may be imposed for the offense  
21 (none), and the extent of the harm caused by the offense (none). Here, defendants  
22 created and enforce ordinances to keep rich, habitated folks, who don't want to be  
23 bothered by seeing poor, unhoused folks who are forced to live on the sidewalks  
24 and streets and in vehicles, and none of the four, evaluative factors is applicable,  
25 so that the subject ordinances' and their enforcement -- by confiscating and  
26 stealing unhoused persons' property and by towing away an offending vehicle, and  
27 thus depriving a poor person or her or his home, is Fascistic and Nazi-esque,  
28 unfounded, draconian, and unconstitutional.

1 112c. The horror of a rich person having to endure seeing a poor person at  
2 all or a poor person's camper or RV, or, indeed, the actual poor person, is not a  
3 legitimate reason for enforcement of the subject ordinances. It is an ugly,  
4 neighborhood beautification project.

5 113d. Defendants' wrongful conduct, as set forth hereinabove is in violation  
6 of the Ninth Circuit's decision in *Pimentel v. City of Los Angeles*, 974 F.3d 917  
7 (9th Cir. 2020) (Eighth Amendment's Excessive Fines Clause applies to municipal  
8 parking fines, notwithstanding that California changed its categorization of  
9 parking fines from criminal penalties to civil penalties), *as amended on denial of*  
10 *reh'g and reh'g en banc*, in which two of the City defendants' defense counsel  
11 herein, defendant Feuer and Gabriel Dermer, lost in the Ninth Circuit.  
12

13 **COUNT 14**  
14 **(*Monell* Violations, against all defendants, in their official capacities, 42**  
15 **U.S.C. § 1983)**

16 113. Defendants' wrongful conduct under of color of law occurred  
17 so that each defendant knowingly, grossly negligently, recklessly, and with  
18 deliberate indifference to the rights allegedly violated, caused to come into being,  
19 maintained, fostered, condoned, approved of, either before the fact or after the  
20 fact, ratified, and/or took no action to correct, an official policy, practice,  
21 procedure, or custom of permitting the occurrence of the categories of wrongs set  
22 forth in the immediately-preceding Count, and/or improperly, inadequately, with  
23 deliberate indifference to the constitutional or other federal rights of persons,  
24 grossly negligently, with reckless disregard to constitutional or other federal  
25 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or  
26 to take corrective action with respect to themselves and/or their personnel with  
27 respect to the types of wrongful conduct alleged in this pleading, so that each one  
28 of them is legally responsible for all of the injuries and/or damages sustained by

1 plaintiffs' and class members, pursuant to the principles set forth in *Monell v.*  
2 *Dep't of Social Services* and its progeny.

3 **COUNT 15**  
4 **(Conspiracy, against all defendants, in their official capacities, 42 U.S.C. §**  
5 **1983)**

6 114. All defendants and each of them understood and agreed that they all  
7 would act in combination in the manners described hereinabove and then overt  
8 acts were undertaken to carry out their schemes, both hereinabove and  
9 hereinbelow.

10 118.-141. Reserved.

11 **COUNT 16**  
12 **(Racketeer Influenced and Corrupt Organizations, RICO, for Fraud,**  
13 **Extortion, Under Both State and Federal Law, and Obstruction of Justice,**  
14 **against all defendants in both their individual and official capacities)**

15 142. By doing the things alleged hereinabove, and/or aiding or abetting  
16 them, defendants thereby engaged in and committed the related RICO predicate  
17 acts, with similar purposes, results, participants, victims, and methods of  
18 commission, over a long and continuing period of time, with a threat of continued  
19 racketeering activity, of fraud, extortion, under both state and federal law, and  
20 obstruction of justice, and continue to commit fraud, extortion, under both state  
21 and federal law, and obstruction of justice, all by using instrumentalities of  
22 interstate commerce to accomplish their crimes, and thereby are liable under the  
23 civil RICO statute, as set forth hereinbelow.

24 **Rico Predicate Acts**

25 143. **Frauds**

26 **A. Extortion** The extortion occurred as follows: defendants, through their  
27 behaviors have threatened plaintiff and class members that were they to exist as  
28 un-housed persons in the City of Los Angeles all of their property and belongings



1 would be confiscated and stolen, so that because of this extortionate threat,  
2 plaintiff and class members have been extorted not to be on the streets.

3 **B. Extortion** The extortion occurred as follows: the City of Los Angeles  
4 defendants, through the illegal placement of Zone ordinance placards, have  
5 threatened plaintiffs and class members that were they to remain on sidewalks, that  
6 their belongings would be confiscated and that penalties would be imposed on  
7 them, and that their belongings would be forfeited, so that because of this  
8 extortionate threat, plaintiff and class members have been extorted not to inhabit  
9 sidewalks in contravention of the warning on the Zone ordinance signs.

10 145. **Obstruction of Justice** The obstruction of justice occurred by  
11 defendants preventing plaintiff and class members from exercising their federal  
12 constitutional rights, all as set forth hereinabove.

13 146. Each defendant, in his/her own right, and all defendants together,  
14 collectively, as well as their employees, who work in and for the City of Los  
15 Angeles, are all enterprises and associated-in-fact enterprises, within the meaning  
16 of 18 U.S.C. 1961(4), and therefore are RICO enterprises.

17 147. All of the LAPD defendants are a separate enterprise, like a true mafia,  
18 extortion/protection racket-enterprise.

19 148. Each and all of defendants' activities affect interstate commerce, as  
20 well as intrastate and interstate-travel.

21 149. Each defendant received and receives income, directly and/or  
22 indirectly, by way of insurance premiums, salary, compensation, reimbursement  
23 for expenses, *per diem* costs reimbursements, meals, lodging, and/or travel,  
24 pensions, *etc.*, from the pattern of racketeering activity alleged herein, and used  
25 and uses that income in the acquisition of an interest in and/or operation of the  
26 enterprise, in violation of 18 U.S.C. 1962(a), and acquired and/or maintained  
27  
28

1 control over said racketeering enterprise through a pattern of racketeering  
2 activities, as set forth herein, in violation of 18 U.S.C. 1962(b).

3 150. Defendants conducted and/or participated, and continue to conduct and  
4 participate in, said enterprises' affairs through a pattern of racketeering activities,  
5 in violation of 18 U.S.C. 1962(c).

6 151. The pattern of racketeering activities included, and continues to  
7 include, a continuous pattern and practice potentially involving activities,  
8 including the RICO predicates of fraud, extortion, mail fraud, wire fraud,  
9 fraudulent concealment, and obstruction of justice, and defendants' defense of the  
10 instant action is and will continue to be and will be a continuation and a part of its  
11 RICO schemes, so that those who may participate in the defense of this action may  
12 make themselves liable under RICO.

13 152. Defendants' associated-in-fact enterprises constitute a present and  
14 continuing threat of harm and additional RICO violations.

15 153. The enterprises' activities have occurred on more than one, and on  
16 many thousands of occasions, over at least the past 35 years and have been done  
17 on numerous occasions and constitute at least a thousand separate acts, as set forth  
18 hereinabove, not including the acts that will be included as part of the defense of  
19 the instant action.

20 154. At least five thousand RICO predicate acts have occurred.

21 155. The wrongful acts described in the matters enumerated hereinabove  
22 occurred over a significant period of time, and are related in that they evidence  
23 civil RICO predicates, including at least fraud, wire fraud, mail fraud, extortion,  
24 and obstruction of justice, and they pose a threat of continued criminal activity,  
25 have the same or similar purposes, results, participants and kinds and categories of  
26 participants, victims, methods of commission, and are otherwise interrelated by  
27 their common characteristics and participants, they are not isolated events, but are  
28

1 both continuous and systemic, and each and all constitute a continuing pattern of  
2 racketeering activity and constitute a long term threat of continuing racketeering  
3 activity.

4 156. The activities led to defendants' control of and acquisition over the  
5 enterprises and resulted in the injuries to plaintiffs and class members business  
6 and/or property, as alleged herein, which resulted from defendants' participation in  
7 and control of the enterprises.

8 157. By failing to prevent the wrongful conduct herein alleged, misconduct  
9 that amounted to racketeering activities, all managerial and non-managerial  
10 employees and/or officers and/or agents of defendants engaged in and condoned  
11 racketeering activities.

12 158. The willful and/or negligent mismanagement of the enterprises, with  
13 knowledge by defendants charged with management, and potentially other  
14 defendants, that they were and continue to be operated as a RICO enterprises,  
15 directly caused the harm to plaintiffs, as alleged herein.

16 159. The enterprises are RICO enterprises because they have hierarchical  
17 structures and consensual structures for making decisions, and those structures  
18 have an existence beyond that which is necessary to commit the RICO predicate  
19 acts alleged herein, in that the hierarchical and consensual structures exist to  
20 accomplish doing business, and the structures for decision-making exist separate  
21 and apart from the racketeering activities.

22 160. Each defendant unlawfully conspired with others, including other  
23 defendants, by understanding and agreeing to do and taking overt actions to  
24 support the matters hereinabove alleged, to violate the provisions of 18 U.S.C.  
25 1962(b), (c), and (d), and, on information and belief, continued and continue to do  
26 so with the aid and assistance of co-conspirators  
27  
28

1 161. Defendants' actions involve many thousands of City of Los Angeles  
2 unhoused residents and constitute a pattern of racketeering activity and the  
3 predicate acts as set forth hereinabove.

4 162. Defendants' actions have taken and thereby injured plaintiffs Serin's  
5 and Jacobs' property.

6 162.-206. Reserved.

7 **COUNT 17**  
8 **(Fourth Amendment Violations Under § 1983, Against All Defendants In Both**  
9 **Their Individual And Official Capacities)**

10 207. Plaintiffs incorporate herein all of the material in the court's Nov. 11,  
11 2021 minute order and, based thereon and on the allegations set forth hereinabove,  
12 allege that defendants violated all plaintiffs' Fourth Amendment rights, and by  
13 virtue thereof, are liable to plaintiffs for both injunctive relief and in damages.

14 **COUNT 18**  
15 **(*Monell* Violations, against all defendants, in their official capacities, 42**  
16 **U.S.C. § 1983)**

17 208. Defendants' wrongful conduct under of color of law occurred  
18 so that each defendant knowingly, grossly negligently, recklessly, and with  
19 deliberate indifference to the rights allegedly violated, caused to come into being,  
20 maintained, fostered, condoned, approved of, either before the fact or after the  
21 fact, ratified, and/or took no action to correct, an official policy, practice,  
22 procedure, or custom of permitting the occurrence of the categories of wrongs set  
23 forth in the immediately-preceding Count, and/or improperly, inadequately, with  
24 deliberate indifference to the constitutional or other federal rights of persons,  
25 grossly negligently, with reckless disregard to constitutional or other federal  
26 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or  
27 to take corrective action with respect to themselves and/or their personnel with  
28 respect to the types of wrongful conduct alleged in this pleading, so that each one

1 of them is legally responsible for all of the injuries and/or damages sustained by  
2 plaintiffs and class members, pursuant to the principles set forth in *Monell v. Dep't*  
3 *of Social Services* and its progeny.

4 **COUNT 19**

5 **(Conspiracy, against all defendants, in both their individual and official**  
6 **capacities, 42 U.S.C. § 1983)**

7 209. All defendants and each of them understood and agreed that they all  
8 would act in combination in the manners described hereinabove and then overt  
9 acts were undertaken to carry out their schemes, both hereinabove and  
10 hereinbelow.

11 210.-272. Reserved.

12 **CLASS ACTION ALLEGATIONS**

13 273. Plaintiff is a member of a class whose defining characteristics are that  
14 they are un-housed persons who live in the streets and on the sidewalks of the City  
15 of Los Angeles.

16 274. The class contains about 45,000 people and is so numerous so that  
17 joinder of all members is impracticable.

18 275. There are only common questions of fact and of law with respect to all  
19 class members of the class, and whose members are in imminent jeopardy of being  
20 ousted from their habitations on the streets of Los Angeles and their belongings,  
21 shelters, and property being stolen and/or taken away, to a place they physically  
22 are unable to reach, possibly to reclaim it.

23 276. The claims made by the representative party, the plaintiff, are typical  
24 of the claims of the class.

25 277. The representative of the class, plaintiff, more than fairly, vigorously,  
26 and zealously will represent and adequately protect the interests of all class  
27 members, both themselves and through their zealous attorney.  
28

1           278. Prosecution of separate actions by individual class members would  
2 create a risk of inconsistent and/or varying adjudications with respect to class  
3 members, which would establish incompatible standards for parties opposing the  
4 classes, and defendants have acted and will continue to act on grounds generally  
5 applicable to every class member in both classes, and the class questions not only  
6 predominate but are the only questions that exist, and this action is the far superior  
7 manner to other available methods for fairly and efficiently adjudicating the  
8 controversies.

9           279. Specifically, the class members' interests in individually controlling  
10 the prosecution or defense in separate actions do not exist, and there are no  
11 anticipated difficulties in managing this class action, especially as to identification  
12 of the amount of damages, identification of class members, and providing actual  
13 notice to virtually all class members.

14           280. Therefore, this action is maintainable under F.R. Civ. P. Rule 23(a), &  
15 23(b)(1)(A), & (B)(1), & (2), and & (3).

16           281. Although there would appear to be no notice requirement, the nature  
17 of the notice to be provided to class members who live in vehicles would be that  
18 the offensive placards would be taken down, and would be decided by the court.

19           **WHEREFORE**, plaintiffs and class members request relief against each  
20 defendant as follows:  
21

22           1. Compensatory damages for all non-RICO violations, in sums in excess  
23 of \$75,000.00, exclusive of costs and interest;

24           2. Punitive damages, in a sum to be determined by a jury, and as a  
25 percentage of the net worth of each defendant, in a sum sufficient to deter future  
26 misconduct, and not less than \$1,000,000.00 per defendant;

27           3. Damages for the RICO violations, and trebling of them;

28           4. Injunctive relief, according to law;

- 1 5. The costs of action and interest;
- 2 6. Attorneys' fees; and,
- 3 7. Such other relief as is just and proper.

4 **JURY DEMAND**

5 Plaintiff demands trial by jury of all issues.

6 **YAGMAN + REICHMANN, LLP**

7  
8 By: /s/ Stephen Yagman  
9 **STEPHEN YAGMAN**